

CAA 112(r) INSPECTION REPORT

Des Moines Cold Storage CO. Inc.
800 New York Ave.
Des Moines, IA. 50313
County: Polk
Phone: (515) 283-8050

Date: October 25, 2004
Inspection No: 1025040700201
Case No: 07IA200545
RMP ID: N/A

INTRODUCTION

I, Tommy Guenther, Grantee with the National Older Workers Career Center, (NOWCC), representing U. S. Environmental Protection Agency (EPA), Region VII, inspected the above facility on October 25, 2004. I was accompanied by Ms. Patricia Reitz, Environmental Scientist and Ms. Terry Blunk, Environment Scientist. This inspection was arranged with Mr. Joe Muelhaupt, Executive V. President, Des Moines Cold Storage Co. Inc. (DMCS). DMCS was selected using a neutral inspection scheme.

The inspection was conducted to determine if the facility was in compliance with Section 112(r) of the Clean Air Act (CAA), as amended in 1990 on their storage of their anhydrous ammonia. The inspection also included reporting provisions of the Emergency Planning and Community Right to Know Act (EPCRA) and the release reporting provisions of the Comprehensive Response Compensation and Liability Act (CERCLA).

EPA's regulations describing how these laws are to be implemented are found in the Code of Federal Regulations, Title 40, Part 68 (CAA), 355, 370, 372 (EPCRA) and 302 (CERCLA). The law and the implementing regulations, 40 CFR 68, Chemical Accident Prevention Program (CAPP) require that facilities must submit a complete Risk Management Plan (RMP) to the EPA for those regulated chemicals they process in amounts above the applicable threshold quantities after June 21, 1999 and to implement the program described in the RMP.

SUMMARY OF OBSERVATIONS

DMCS is not required to file an RMP because they have 9,154 pounds of ammonia in their system.

HISTORY OF BUSINESS

DMCS is a family owned business that has been at this site since 1915. Mr. Muelhaupt's father started this business as an ice plant. DMCS is currently owned by three Muelhaupt sons and three daughters. Mr. Chuck Muelhaupt is the President of the company, Mr. Joe Muelhaupt is the Executive V.P. and Mr. Bob Egr is the Plant Engineer. DMCS discontinued their ice plant operation in 1954 and became a Public Refrigerated Warehouse (PRW). Public Refrigerated Warehouse stores and distributes products for many different companies. None of the product is owned by DMCS. DMCS switched from Freon to ammonia as their refrigerant in 1960. DMCS has been assigned the NAICS Code of 49312, "Refrigerated Warehousing & Storage." They have 18 employees working eight hours a day, five days a week. This facility is located in a mixed area of residences and businesses on three sides and the Des Moines River on the north.

PERSONS INTERVIEWED AND INDIVIDUAL RESPONSIBILITIES

Joe Muelhaupt	-----	Executive V. P.
Bob Egr	-----	Plant Engineer

INSPECTION

On October 25, 2004, I, Tommy Guenther, arrived at the DMCS at 1:00 p. m. I was accompanied by Ms. Patricia Reitz, Environmental Scientist and Ms. Terry Blunk, Environment Scientist. I introduced myself to the Receptionist and told her that I have a 1:00 p. m. appointment with Mr. Joe Muelhaupt. She took us to Mr. Muelhaupt's office. We introduced

ourselves. I presented my credentials and business card. I introduced Ms. Reitz and Ms. Blunk. I told Mr. Muelhaupt that they were accompanying me to observe RMP inspections. Mr. Muelhaupt called Mr. Bob Egr, Plant Engineer and asked him to come to his office. When Mr. Egr arrived, we were introduced and I presented my credentials and business card. I explained that we were visiting the facilities that have not filed an RMP to verify that they do not meet and exceed the threshold for reporting. I also was interested in seeing where they had a release of 6,000 pounds of ammonia November 11, 2000 and what have they done to prevent this from happening again. I began the inspection by explaining the Notice of Inspection and asked Mr. Muelhaupt to read and sign at the appropriate place, which he did (Att. #1). I explained the Confidential Business Information Form (CBI) to Mr. Muelhaupt and I told him that it would be completed at the end of the inspection when we know what all I have taken a copy of and photographed.

Mr. Muelhaupt described the facility's operation. He said they are considered a Public Refrigerated Warehouse. This means that they store and distribute products for many companies. They do not own the products. They use ammonia for their refrigerant. I asked for and received a copy of their MSDS for their ammonia (Att. #5). I was also given a copy of their Tier II Report (Att. #7). Mr. Muelhaupt said that his father started the business with an ice plant at this site in 1915. In 1954 they got out of the ice making business and into the refrigerated warehouse business. They switched from using Freon as their refrigerant to anhydrous ammonia 1960. The business is currently owned by three Muelhaupt sons and three Muelhaupt daughters. Mr. Chuck Muelhaupt is the President and Mr. Joe Muelhaupt is Executive V. P.

I asked Mr. Muelhaupt how much ammonia do they have in their system and he said that it was a below 10,000 pounds. I asked for and received calculations that showed that the quantity of ammonia in their system is 9,154 pounds (Att. #8). Mr. Muelhaupt also gave me a copy of their flow diagram of their ammonia system (Att. #9).

I asked Mr. Muelhaupt about the 6,000 pound ammonia release they had November 19, 2000 (Att. #6). He told me that a pipe cracked at the thread on the roof of the north plant. He said that they have capped it off.

Mr. Muelhaupt feels that it was tampered with but he cannot prove it. He has taken steps to prevent this in the future by putting razor wire on their chain link fencing surrounding this area and has installed a motion detector system. Mr. Muelhaupt gave me a copy of his follow up letter in regards to this incident (Att. #6A).

At this time I suggested that we tour the facility. They were in agreement. I did not observe any operations which differed from those discussed during our initial introduction. I was accompanied on the tour by Mr. Egr, Ms. Reitz and Ms. Blunk.

After the tour we returned to the office. I completed the Receipts for Samples and Documents (Att. #2), Notice of Preliminary Findings (Att. #3) and the Confidentiality Notice (Att. #4). I asked Mr. Muelhaupt to read and sign them, which he did.

I thanked Mr. Muelhaupt and Mr. Egr for their help and cooperation during this inspection and we left the facility at approximately 4:00 p. m.



Tommy Guenther
Compliance Inspector
December 1, 2004



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III)
Clean Air Act Section 112r
NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION			2. FIRM NAME
DATE 10/25/04	INSPECTOR NO. 17002	DAILY SEQ. NO. 81	DES MOINES COLD STORAGE
3. INSPECTOR ADDRESS U.S. ENVIRONMENTAL PROTECTION AGENCY CHEMICAL RISK INFORMATION BRANCH 901 N. 5TH STREET KANSAS CITY, KANSAS 66101			4. FIRM ADDRESS 800 NEW YORK DES MOINES, IA 50313

REASON FOR INSPECTION

This inspection is for the purpose of determining compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, and the Clean Air Act (CAA) of 1990 Section 112r. The scope of this inspection may include but is not limited to; reviewing and obtaining copies of documents and records; interviews and taking statements; review of manufacturing, importing, processing, use, and/or waste treatment facilities; taking samples and photographs; and other inspection activities necessary to determine compliance with the EPCRA and the Clean Air Act.

INSPECTOR SIGNATURE <i>Tommy D. Guenther</i>		RECIPIENT SIGNATURE <i>Joseph D. Muelhaupt</i>	
NAME Tommy D. GUENTHER		NAME JOSEPH D. MUELHAUPT	
TITLE Compliance Inspector	DATE SIGNED 10/25/04	TITLE Spec. VP	DATE SIGNED 10/25/2004



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III)
Clean Air Act Section 112r

RECEIPT FOR SAMPLES AND DOCUMENTS

1. INVESTIGATION IDENTIFICATION			2. FIRM NAME
DATE 10/25/04	INSPECTOR NO. 19602	DAILY SEQ. NO. 11	DES MOINES COLD STORAGE
3. INSPECTOR ADDRESS U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 7, ARTD/CRIB 901 N. 5TH STREET KANSAS CITY, KANSAS 66101			4. FIRM ADDRESS 800 NEW YORK DES MOINES, IA 50313

- ☐ The documents and samples of chemical substances and/or mixtures described below were collected in connection with the administration and enforcement of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.
- ☐ The documents and samples of chemical substances and/or mixtures described below were collected in connection with the administration and enforcement of the Clean Air Act (CAA) of 1990.

RECEIPT OF THE DOCUMENT(S) AND/OR SAMPLE(S) DESCRIBED IS HEREBY ACKNOWLEDGED:

NO.	DESCRIPTION
102504 07002 -1	TIER II REPORT
-2	AMMONIA MSDS
-3	LAST 2 YEAR PURCHASES FOR AMMONIA
-4	CRG 2000 SPILL REPORT & FOLLOW UP LETTER
-5	Floor Plan of Ammonia T & F Ammonia A in System
-6	12 PHOTOGRAPHS of RECEIVERS & SECURITY

Chemical identities for underlined items have been claimed as trade secret. The facility official requesting such treatment has read and understands EPCRA Section 322 and pertinent trade secret regulations and understands EPCRA 325 which provided for (among other things) penalties for frivolous claims. Confidential documents claimed under CAA will be handled under 40 CFR 2; subpart B.

OPTIONAL:

DUPLICATE OR SPLIT SAMPLES: REQUESTED AND PROVIDED <input type="checkbox"/> NOT REQUESTED <input type="checkbox"/>			
INSPECTOR SIGNATURE 	RECIPIENT SIGNATURE 		
NAME Tommy D. GUENTHER	NAME JOSEPH D. MUELHAUPT		
TITLE Compliance Inspector	DATE SIGNED 10/25/04	TITLE VP	DATE SIGNED 10/25/2004

(Rev: 1/19/00)

WHITE - INSPECTION FILE

YELLOW - FACILITY

PINK - REGIONAL OFFICE

ATT. 2

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: DES MOINES COLD STORAGE RMP/TRI NO: N/A
FACILITY ADDRESS: 800 NEW YORK
DES MOINES, IA 50313
INSPECTOR: TOMMY D. GUENTHER DATE: 10/25/04

An inspection of the above facility has just been completed. The purpose of the inspection was to determine compliance with the requirements of the Clean Air Act Section 112r and Emergency Planning Community Right-to-Know Act. The following potential violations were identified:

CITATION	DESCRIPTION
	<u>NO VIOLATIONS DETECTED</u>
	<u>(HAVE 9144# NH3 IN SYSTEM)</u>

This Notice is provided to call your attention to those areas of potential noncompliance at the earliest possible time. This notice does not constitute a Notice of Violation, Order, or Civil Action pursuant to the Emergency Planning Community Right-to-Know Act of 1986 (Sara Title III) or Section 113 of the Clean Air Act (CAA), and may not be a complete listing of all violations which may be identified as a result of this inspection.

You may submit, in writing, within 10 days of receipt of this Notice, a description of all corrective actions taken and/or a schedule for completion of necessary corrective actions to be taken to:

Tommy D. Guenther
U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Phone: 913 551-7802

Corrective actions you have taken may be considered in any subsequent U.S. EPA enforcement follow-up, to the extent allowed by Agency regulations, guidance, and policies.

The undersigned hereby acknowledges receipt of a copy of this Notice.

PRINTED NAME: JOSEPH D. MUELHAUPT

TITLE: Exec V.P.

SIGNATURE: J. Muelhaupt

DATE: 10/25/2004

The EPA Region VII Pollution Prevention Team can help you identify pollution prevention and waste reduction opportunities. For more information, phone 913-551-7020 or email: r7-p2assist@epa.gov

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CONFIDENTIALITY NOTICE

Facility Name DES MOINES COLD STORAGE	
Facility Address 800 NEW YORK DES MOINES, IA 50313	
Inspector (print) TEMMY D. GUENTHER <i>Temmy D. Guenther</i>	
U.S. EPA, Region VII, 901 N. 5th Street, Kansas City, KS 66101	Date 10/25/04

The United States Environmental Protection Agency (EPA) is obligated, under the Freedom of Information Act, to release information collected during inspections to persons who submit requests for that information. The Freedom of Information Act does, however, have provisions that allow EPA to withhold certain confidential business information from public disclosure. To claim protection for information gathered during an inspection you must request that the information be held CONFIDENTIAL and substantiate your claim in writing by demonstrating that the information meets the requirements in 40 CFR 2, Subpart B. The following criteria in Subpart B must be met:

1. Your company has taken measures to protect the confidentiality of the information, and it intends to continue to take such measures.
2. No statute specifically requires disclosure of the information.
3. Disclosure of the information would cause substantial harm to your company's competitive position.

Information that you claim confidential will be held as such pending a determination of applicability by EPA.

I have received this Notice and <u>DO NOT</u> want to make a claim of confidentiality at this time.	
Facility Representative Provided Notice (print) JOSEPH D. MUELHAUPT	Signature/Date <i>J. Muehlaupt</i> 10/25/04

I have received this Notice and <u>DO</u> want to make a claim of confidentiality.	
Facility Representative Provided Notice (print)	Signature/Date

Information for which confidential treatment is requested:

REGION 7 - CRIB - EPA INSPECTION CONCLUSION DATA SHEET (ICDS) 2005 Form

Inspectors Name: Tommy D. Guenther Phone No.: 7802

*Compliance Activity Type: Compliance Inspection

1. *Compliance Monitoring Activity Name: (Facility Name): Same as No. 5

2. *Compliance Monitoring Type: Circle one or more of the following choices:

Clean Air Act

CAA 112 (r)(7) Desk Audit

CAA 112 (r)(7) Inspection (i.e., site visit)

CAA 112 General Duty Clause inspection

CAA CFR Section 68.220 Desk Audit

CAA CFR Section 68.220 Site Visit

EPCRA

EPCRA 311/312 Inspection

EPCRA 313 Data Quality Inspection

EPCRA 313 Non/Late Reporter Inspection

EPCRA 304 / CERCLA 103 Inspection (Non 313 Inspection)

TSCA

Polychlorinated Biphenyls (PCBs) Inspection

3. *Region 7 EPA ID Number: N/A

4. *Facility Name: DES MOINES COLD STORAGE CO. INC

*Street Address: 800 NEW YORK AVE

*City, State, Zip: DES MOINES, IA 50303

5. - 9. ** Date of Inspection: Begin: 10/25/2004 End: 10/25/2004 (mm/dd/yyyy)

10. *Federal Statutes: CAA EPCRA / CERCLA TSCA

11. *Sections: Circle the regulatory citation(s) that apply to the inspection conducted: Same as Section 3

12. **Citations: circle all citations of 40 CFR that were inspected: 6E 802 355 370 372
Other: _____

13. *Programs: No entry needed. This data element is automatically populated by the ICIS data system

14. **SIC (4-digit) _____ or NAICS Code (5-digit): 49312 (Enter one or more)

15. Media Monitored: (circle for TSCA only) _____ Land (samples collected)

16. *Compliance Monitoring Action Reason: (Circle one of the following)
Citizen Complaint/Tip _____ Core Program _____ Selected Monitoring Action _____

Agency Priority

Random Evaluation or Inspection

17. *Compliance Monitoring Agency Type: EPA

18. - 19. Does not apply

20. Number of Hours spent physically conducting the activity: 3

21. Compliance Monitoring Action Outcome: Check one (if known at the time of the activity):

Administrative _____ Immediately corrected _____ Judicial _____ No violation ☒

No compliance monitoring (access denied) _____ No compliance monitoring (facility shutdown) _____

Not immediately corrected _____ Notice of Determination _____ Under review _____ Withdrawn _____

22. MOA Priorities: Does Not Apply

23. Regional Priorities: (Circle all (if they apply) from the following)

CAA Section 112(r) Program 1

CAA Section 112(r) Program 2

CAA Section 112(r) Program 3

CAA Section 112 (r) Refrigeration

Agriculture

Endangered ECO Systems

Sensitive Populations

24. ****Did you observe deficiencies (potential violations) during the on-site inspection?** ☐ Yes ☒ No
N/A cannot be a response.
25. ****If you observed deficiencies, did you communicate them to facility during the inspection?** ☐ Yes ☐ No
N/A cannot be a response.

26. ****Deficiencies Observed:**

Check one or more of the following:

- ☐ Potential violation of a compliance schedule in an enforceable order
- ☐ Potential failure to maintain a record or failure to disclose a document
- ☐ Potential failure to maintain, inspect or repair equipment including meters, sensors, and recording equipment
- ☐ Potential failure to complete or submit a notification, report, certification, or manifest
- ☐ Potential failure to obtain a permit, product approval, or certification
- ☐ Potential failure to follow a required sampling or monitoring procedure or laboratory procedure
- ☐ Potential failure to follow or develop a required management practice or procedure
- ☐ Potential failure to identify and manage a regulated waste or pollutant in any media
- ☐ Potential failure to report regulated events such as spills, accidents, etc.
- ☐ Potential incorrect use of a material (e.g., pesticide, waste, product, etc.) or use of improper or unapproved material
- ☐ Potential failure to follow a permit condition (s)

27. ****Did you observe or see the facility take any actions during the inspection to address the deficiencies communicated to the facility?** ☐ Yes ☐ No

If YES, check only the action(s) actually observed/seen or write in a short description of the action in the "optional" section.

(Check all that apply)

Action(s) taken

- ☐ Complete(d) a Notification or Report
- ☐ Correct(ed) Monitoring Deficiencies
- ☐ Correct(ed) Record Keeping Deficiencies
- ☐ Implemented New or Improved Management Practices or Procedures
- ☐ Improved Pollutant Identification (e.g., Labeling, Manifesting, Storage, etc.)
- ☐ Reduced Pollution (e.g., Use Reduction, Industrial Process Change, Emissions or Discharge Change, etc.)
- ☐ Request(ed) a Permit Application or Applied for a Permit
- ☐ Verify (ed) Compliance with Previously Issued Enforcement Action - Part of All Conditions

28. **Did you provide general compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections?** ☒ Yes ☐ No

29. **Did you provide site-specific compliance assistance in accordance with the policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections?** ☒ Yes ☐ No

Note: This form does not require EPA inspectors to provide compliance assistance.

Optional Information: Describe actions taken by the facility or assistance provided to the facility

Number of Samples

Medium Sampled (each sample)

Sample Number (each sample)

Lat: Long: HowDetermined:

EPA Form 3540-39

For Data Entry Staff Use Only:

30. Date and initials of person entering data into ICIS (mm/dd/yyyy):

CRIB INSPECTIONS

CASE REVIEW OFFICER (if applicable):

071A 200545

FACILITY: Des Moines Cold Storage

PHYSICAL FACILITY ADDRESS: 800 New York Ave.

PHYSICAL FACILITY CITY: Des Moines

PHYSICAL COUNTY: Polk

FACILITY STATE: IA

PHYSICAL FACILITY ZIP CODE: 50313

MAILING FACILITY ADDRESS (if different):

MAILING FACILITY CITY (if different):

MAILING FACILITY ZIP CODE (if different):

FACILITY PHONE #: (515) 283-8050

NAICS or SIC Code: 49312

EPA ID #:N/A

TRI ID #:

SPILL DATE (if applicable):

INITIATING ACTIVITY (inspection) DATE: 10/25/04

INITIATING ACTIVITY TYPE (see below): ^{NSI} ~~NSD~~ ?

REGULATORY REVIEW TYPE (see below): RMP (112(r)(7))

For Reference:

Initiating Activity Type

Chemical Release Questionnaire (CRQ)	For Cause Govt Inspection (FCI)	Other Information Request (INF)	Neutral Scheme Inspection (NSI)
Record Review (REV)	Tip/Complaint Inspection (TCI)	Voluntary Disclosure (VLD)	Audit (AUD)

Regulatory Review Type

NRC Continuous Release (103CR)	General Duty Clause (112(r)(1))	Risk Management Plan (112(r)(7))	SERC/LEPC (304)X	SERC/LEPC Continuous Release (304CR)
Tier II (312)	TRI Form R (313)	TRI Data Quality (313 DQ)	TRI Non-Reporter (313 NR)	NRC (103)

T. Guenther

10/25/04
1100

Des Moines

Jae M Ex Viced?
Chuck M Pres

Donchy

120 m sq ft

Stack holders

Muelhaupt

see P#1915

3 gals 1/3 bag

Bob Egger

cell storage

1954

main use to be from P#1960

middle room 1968

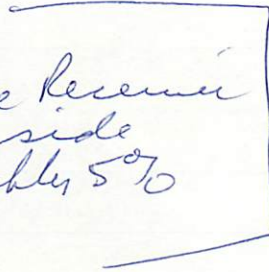
last room 1972

South dock Receiver Photo 1

Roof where car was Photo 2

Photo #3 & 4

Receiver
(3)



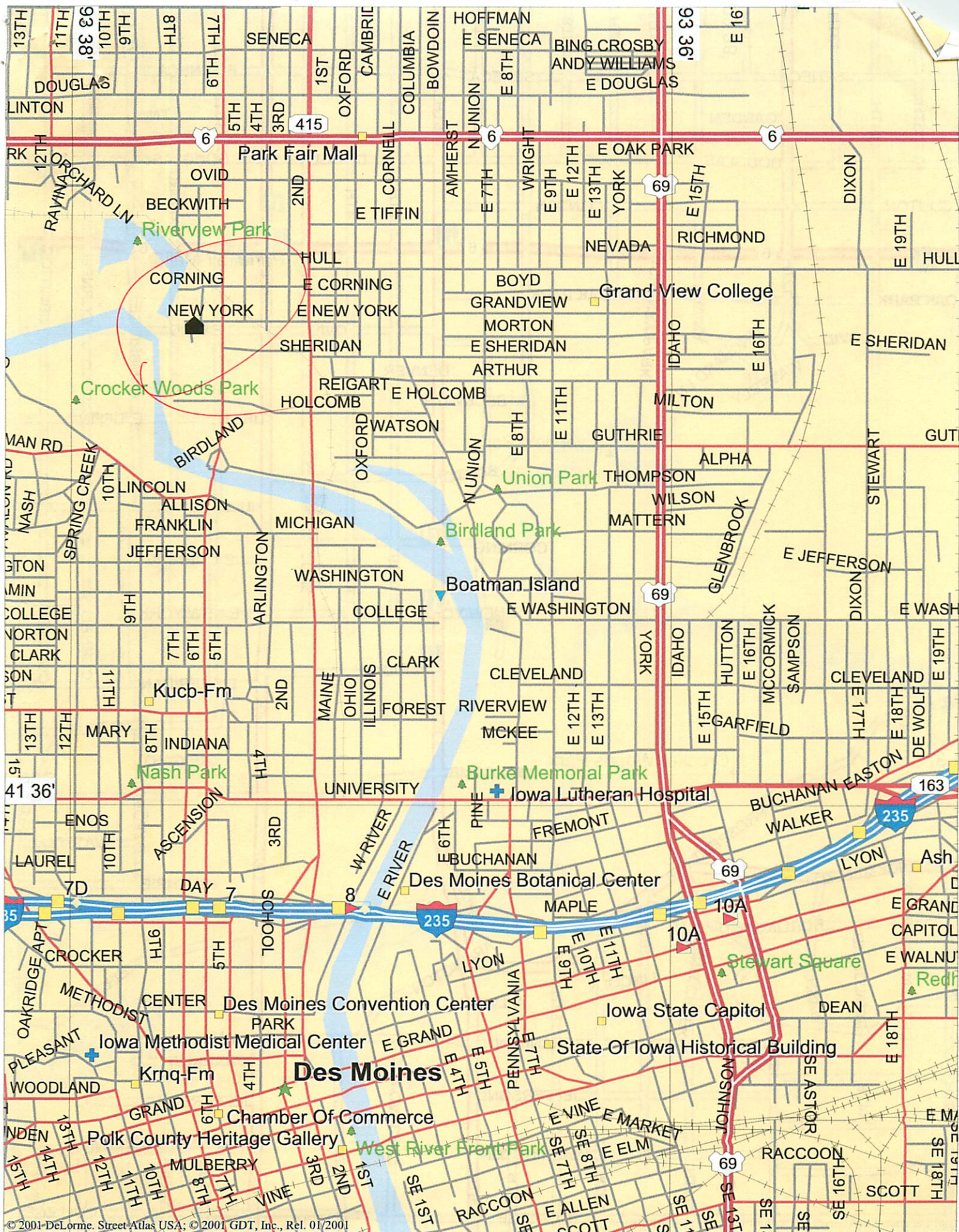
motion
detector

large Receiver
out side
probably 5%

low iron line
wire
& chain hook

12 photo

NAICS
~~49312~~
49312 Refrigerated Warehouse
& Storage



800 NEW YORK AVE

